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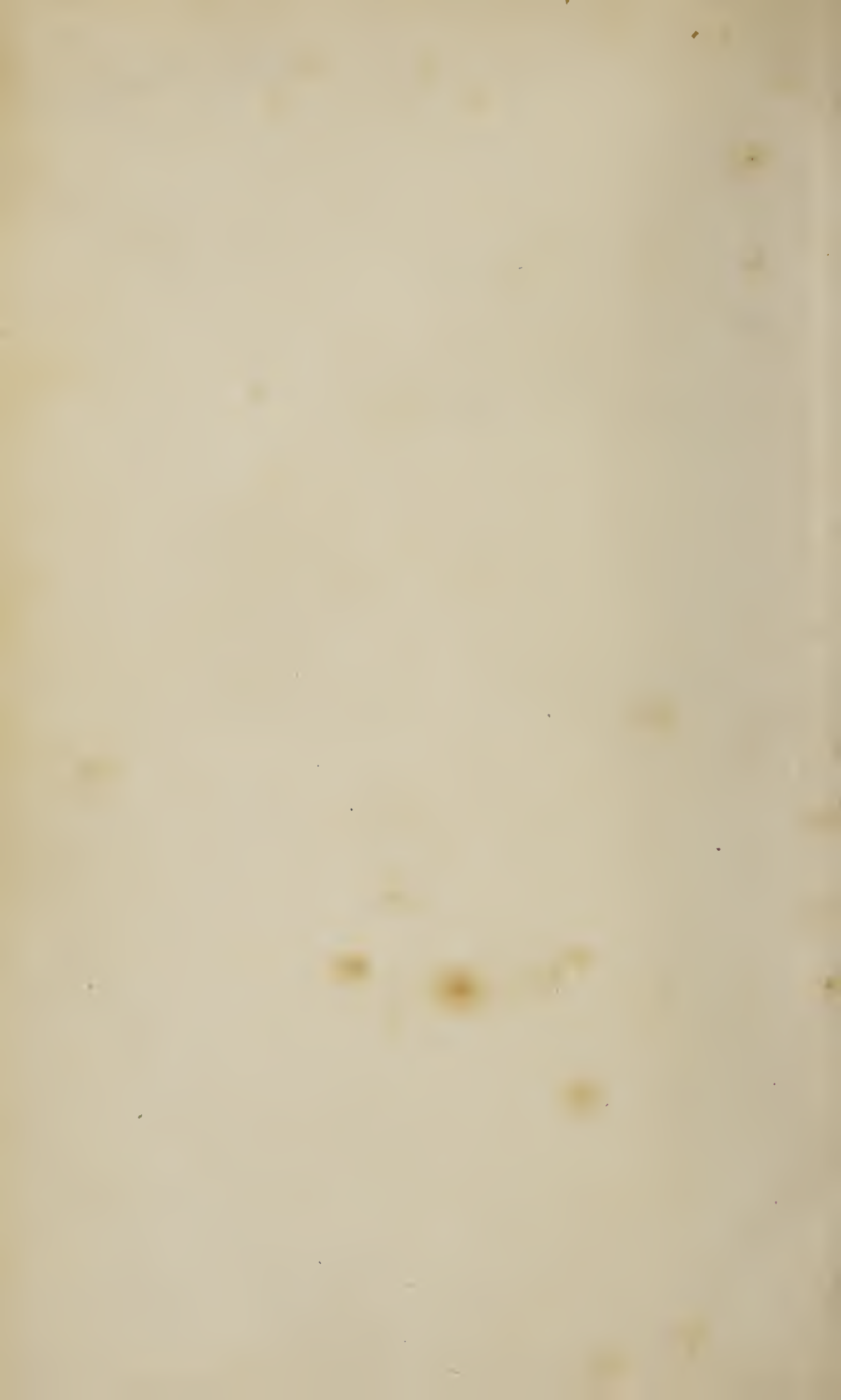
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(Canada)





THE  
WESTMINSTER REVIEW.

JULY, 1827.

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- ART. I.—1. *Financial Difficulties of Lower Canada.* Quebec. 1825.  
2. *Sketch of Business before the Parliament of Lower Canada.* Quebec. 1825.  
3. *Rapport d'un Comité Special de la Chambre d'Assemblée sur l'Education.* Quebec. 1825.

THE connexion existing between Great Britain and her colonies is generally believed to be a source of reciprocal benefit; to the colonies, on account of the *protection* which Great Britain affords them; to Great Britain, on account of the exclusive commerce she carries on with her colonial possessions. Whatever may be our objections to this proposition, considered as an abstract principle, we shall reserve them for another occasion; at present it is our object to prove the opinion ill founded in one particular case; to show that whatever advantage may arise from our other colonial connexions, the connexion now existing between this country and Canada, by subjecting Canada to a host of evils, in the shape of bad government, and this country to a no less fearful list, in that of unrequited expense and a ruinous trade, is productive solely of mischief to both parties. To establish these propositions in a satisfactory manner will, indeed, require considerable space; not more, however, than their importance deserves.

If the evil occasioned to Canada by her connexion with England be greater than the benefit we derive from our dominion over her, no honest man would desire to see that dominion continued. Should it appear, however, that we not only harass the colonists, but seriously injure ourselves, common prudence should induce us to relinquish our supremacy. That both suppositions are agreeable to the facts, we undertake



to prove ; and shall proceed to adduce our evidence without further preamble.

Canada, when under the dominion of France, was governed by a viceroy, appointed by the French king ; was subject to the laws or customs of Paris ; and her inhabitants universally professed the Catholic religion. Under the English, a different order of things took place ; and the government, after various alterations, was finally established in its present form. These alterations were produced by royal proclamations, by certain ordinances of the English governors, by 14 Geo. III. c. 83, and at length by the celebrated Quebec bill, 31 Geo. III. c. 31. The most important of these arrangements which still subsist, may, as far as regards the present purpose, be stated as follows :

The colony was divided into two distinct governments, and what was originally called the Province of Quebec was separated into Upper and Lower Canada. Into Upper Canada the laws of England were introduced without any alteration ; while Lower Canada, comprising all the territory peopled by the French, was permitted to be governed according to the customs of Paris, subject to the modifications we shall hereafter mention.

To each province a separate legislature was appointed, composed after the model of that of England ; viz. 1, of a Governor, to be appointed by the crown, and supposed analogous to the king in our constitution ; 2, of a Legislative Council, also to be appointed by the crown, and supposed analogous to our House of Peers ; and 3, of a House of Assembly, to be elected by the people, and supposed analogous to our House of Commons.

In each province, moreover, a council, called an Executive Council, was established, for the purpose of advising the governor, and constituting with him a court of appeals from the courts of justice below. The members of these councils are to be appointed by the king, or by the governor, subject to the king's approval.

In each province, also, a Court of King's Bench, of Common Pleas, and an Admiralty Court were established, and justice was appointed to be administered nearly after the forms of the English courts. Fortunately for Canada, no Court of Chancery was thought necessary.

*The expenses of the civil government were henceforth to be entirely provided for by the people of the provinces, England maintaining what military force, and erecting what forts, she might deem requisite.*

The protection, then, which England affords to these colonies consists in maintaining a military force for their defence or



subjection, and in furnishing certain persons to fill the offices of governor, of executive and legislative councillors. Whatever benefits accrue to the colony in consequence of its connexion with England must, therefore, arise from these two circumstances alone. The maintaining a military force, however, to hold the colony under our dominion may or may not be a benefit. If the government, as it now stands, be superior to any the colonists could frame when unaided by England, then the maintaining an army to continue them under our control is really beneficial; but it is the contrary, if our government be worse than that which the colonists could obtain without our interference. Before, therefore, we can determine whether the presence of our army in Canada be a benefit or an evil, we must thoroughly understand the nature of the government which it is placed there to protect.

The Canadian governments consist of two distinct parts, and we must pray our readers to keep this distinction constantly in view; viz. the portion furnished by the superintending power of England, and that which is afforded by the colonies themselves. In the former of these, if in either, must originate whatever benefit the colonies derive from their connexion with Great Britain.

The portion, then, appointed by the superintending power of England is composed of the Governor, the Legislative and Executive Councils. The people of the colony appoint and control the House of Assembly alone. By a comparison of the conduct of these two separate parts of the colonial government, we shall discover if there be any superior excellence in the English section of the administration.

If the question were to be decided by *à priori* presumptions, antecedent to experience, it might certainly be pronounced that of the government of the colony, that portion which is drawn from the colony would be most alive to its interests, and best instructed respecting them. Of the two requisites for a public functionary—probity and knowledge—probity can be reasonably expected only where there is no impunity for improbity; and knowledge of the peculiar wants of a peculiar people, as well as knowledge of the means which the situation of that people affords to supply those wants, can only be obtained by personal experience. It therefore, at least, appears probable that the functionaries appointed by England will prove deficient in these two important qualifications; for the power which appoints them, and whose superintendence is the sole existing check upon their conduct, is at a distance; and the country in which they have been educated, as it differs essentially in climate and



civilization from that one which they are appointed to rule, can afford few examples of the wants and difficulties against which they will there be required to provide. To these evils inherent in the relation between a country and her distant possessions, must be added others arising out of the peculiar character of the English constitution.

The power of nominating the members of the colonial governments is possessed by the ministry; and no one will pretend that fitness to discharge the duties of an office is required by a ministry from those who, backed by aristocratic influence, solicit situations in a colony. The distribution of these offices is one means of influence; they are the reward for services performed, or to be performed, in parliament; and the favour of the ministers is usually obtained by the persons most capable of rendering this species of service. Between parliamentary influence, however, and moral or intellectual excellence, no necessary connexion has yet been discovered. At best, therefore, it is chance, merely, that determines whether the ministers' choice shall fall upon an efficient or inefficient functionary. The manner in which our colonies are usually governed shows that the unfavourable chances predominate.

At the head of colonial situations is the office of governor, an office usually requiring great labour, great experience, great sagacity, and great honesty; unfortunately for the colonies, however, it is but too often attended with great emoluments. The reward is anxiously solicited, while the qualifications requisite to fill the station with decency are in general dispensed with. Governors are almost invariably needy men, surrounded by needy friends; and to supply their wants, the mother country liberally concedes the places of profit in a colony. Men of broken fortunes and unbounded desires are sent to distant colonies, in the expectation that a few years' exile will replenish their coffers. Money is the professed object of their expedition, and the means of collecting it as speedily as possible, the chief object of their attention. This desire of amassing wealth for themselves and their retainers, they are, unfortunately, well able to gratify. And places are, consequently, but too often created for the purpose of annexing a salary thereto, and the public money squandered to gratify private affections. In England, moreover, we are accustomed to see functionaries high in office, enjoying enormous salaries, indulging in an ostentatious display of their magnificence, and carefully inculcating the opinion that government cannot be supported without dignity, nor dignity without expense. All persons connected with our government become possessed of



these opinions; and it is nothing wonderful that every one appointed and supported by its authority should, whenever an opportunity is offered, put these doctrines into practice. Hence we often see a poor and frugal state made to minister to the baneful habits of extravagance, which an education in a wealthy and thriftless community has engendered. From England no effectual check to these dangerous propensities can be reasonably expected. Appeal to the people of England, or to the minister, is too distant to be availing; every petty exaction cannot be recorded, and redress sought the moment the injury is committed: years may pass over before investigation can take place, and the prospect of such distant punishment becomes equivalent to impunity. The ruling party at home, moreover, listen with little complacency to the murmurs of a distant colony; such complaints not only disturbing their quiet, but rendering less efficient the matter of influence furnished by colonial patronage. All these circumstances would lead us to conjecture, that the blessings of English dominion are much more problematical than the eulogizers of colonial connexions are inclined to allow. The facts of the case, however, will render the reality of these benefits still more hypothetical.

When Mr. Pitt proposed his bill for the institution of the Canadian Legislature, he captivated his audience with a description of the manner in which he intended to create a nobility in our American provinces, by the establishment of a Legislative Council.\* This council, he said, was to be composed of the *seigneurs* of the country, many of whom were descended from noble families in France, and consequently fully capable of imitating with suitable dignity the nobles of England. Whether he ever intended to create such a council we have no means of determining; all that can at present be stated is, that he never did create it; and at this moment, we believe, but three or four *seigneurs* selected from the French Canadians have seats in this council: the remainder of the council having been chosen with other ends in view than the establishment of an exact balance in the constitution. To explain what these ends were, we must unfold the constitution of another portion of the English addition to the Canadian government, viz. of the Executive Council.

As the governors are merely sojourners in the country for a few years, coming to it generally utterly ignorant of all that a ruler should know, and leaving it, to be succeeded by others

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\* The reader must bear in mind that the Legislative Council is the upper, the House of Assembly, the lower House of the Canadian Parliament.



equally ignorant, it was found necessary to establish some permanent body, to guide and instruct these temporary rulers. The rulers themselves could not be dispensed with, the salaries and patronage attendant on the office of governor being among the most efficient means of influence in the hands of the ministry.

At the commencement of the English dominion, therefore, a council was formed, under the direction of the then governor, and the ministry at home. This governor in time left the country; but the councillors remained, possessed of all that knowledge of the affairs of government which it was requisite for a succeeding governor to acquire, and which it was almost impossible for him to acquire without their assistance. As a connecting link between successive governors, the ministers at home soon discovered their utility, and the established rule of colonial government was henceforth adopted: should a governor and his council quarrel, the governor is to be recalled, it being easy to find another governor; impossible, without disturbing the whole scheme of government, to create another council. Such being the power of the council, it was not wonderful that they should turn it to their own account; that they should successively instil into the minds of governors opinions favourable to their private views; and that they should possess themselves of the lucrative offices of the state. The interests of the governors and councillors are thus far the same, that both have an interest in extracting from the people all the money the people can be induced to grant; their interests, however, are in so much different, as that each is separately desirous of engrossing the spoils. But it has been found that more was to be obtained by coalescing than by quarrelling; they accordingly have coalesced, and amicably divided the profits; the profitable places being shared amongst the governor and his friends, and the council and their friends. Reprehension or punishment from those at home, they little dreaded; and could they obtain a majority in the provincial legislature, they would likewise escape all danger of censure from the people of the colony. They possessed no power over the House of Assembly, but happily the Legislative Council was at their disposal. The governor having authority to nominate the members of that council, the executive councillors soon found means of having themselves chosen in sufficient numbers to constitute a majority. And thus it happens that the two councils, executive and legislative, are in reality composed of the same persons, acting in different characters. The interest and ignorance of successive governors led to this consummation; their



interest, which compelled them to be on friendly terms with the Executive Council, and their ignorance of the country and its inhabitants, which enabled the council to impose upon their fears with exaggerated descriptions of the factious and dangerous disposition of the Canadian people, which dispositions, if not counteracted in one of the legislative bodies, might lead, they said, to the disruption of the colony from the parent state. That the latter consummation was one which they sincerely dreaded, we may believe, when we consider what they would lose : that they might possibly pretend a fear which they had not, is also credible, from the natural unpleasantness to be called to account for the manner in which they disposed of the public revenue. They believed that the representatives of the people would have little weight or authority, when deprived of the support of the other branches of the legislature ; that all complaints emanating from the House of Assembly, when opposed by the Legislative Council and the Governor, would, in England, be considered as the dictates of a factious and turbulent spirit, seeking to disturb the government by exciting unfounded discontent amongst the people. To excite this opinion in England has been their constant endeavour : They have cast odium on every remonstrance not supported by the united legislature ; and united support they are determined never shall be given to any remonstrance affecting themselves. Such, then, are the character and situation of the persons composing that portion of the Canadian government which is supplied by the superintending care of England. They are possessed of unbounded rapacity, and enjoy something very like impunity in its gratification.

Before we detail the consequences resulting from this English admixture in the Canadian government, and illustrate its character by its conduct, we must describe the situation of that portion of the legislature which is supplied by the colony—viz. the House of Assembly. This assembly, though constituted in a manner that may at some future period serve materially to diminish its utility, is at present so circumstanced as to have no interest apart from that of the colony. And in the Lower Province particularly, the House of Assembly has manfully and steadily, though hitherto without much success, opposed the rapacity and extravagance of the executive government.

The Canadian population is composed of two races of people, distinct in their manners, language, and religion ; and differing materially in their state of intellectual improvement ; the people of the Upper Province being entirely composed of Americans,



and emigrants from Great Britain and Ireland, while the Lower Canadians are almost exclusively descendants from the people of France. The information and manners of the Upper Canadians are in every particular so similar to those of the inhabitants of the United States, that no one, we think, will be inclined to dispute *their* perfect competency to the task of governing themselves. The population of Lower Canada is, however, of a very different description; and may therefore be supposed incompetent, if unassisted by the mother country.

A great majority of the Lower Canadian people is employed in agriculture, almost every man possessing a portion of land, and living generally apart from his neighbours. The villages are thinly scattered over an immense territory; and are chiefly composed of a few straggling houses, whose inhabitants are busily, and incessantly engaged in providing for their daily subsistence. The priest, the seigneur, or his agent, one or two store\* keepers, and perhaps a retired trader usually constitute the gentry of the little community; the remainder being composed of the few artificers required by a rude agricultural population. In the society thus constituted, every man is above absolute want, but few can be found out of the towns who are not doomed to daily labour.

There is too, as yet, a very imperfect division of employments. The farmer's family usually weaves the greater part of the clothing he requires; and he often makes his own shoes, his own agricultural implements, his own sugar: the blacksmith, the carpenter, is always a farmer: and the division of labour has not even arrived to that point at which the priest learns to confine himself solely to his spiritual business; the parochial clergyman and the farmer are often united in the same individual. This variety of occupations, although it may enlarge the sphere of a man's knowledge, and by constantly subjecting him to new exigencies, exercise and improve his understanding, must nevertheless in the end, by diminishing his leisure, diminish his means of obtaining information. Thus, accordingly, it is with the Canadian people: they have not much time to devote to the acquirement of knowledge, and unfortunately what little they can spare is seldom beneficially employed. From circumstances that we shall hereafter explain, no efficient provision has yet been made for the education of the people: what little education they now receive, is imparted by the clergy for the purpose of recruiting their own body. From the children of the village, the priest selects a certain number,

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\* Store, Anglicè shop.



whom he instructs, in hopes that some may be induced to enter the church ; the dull boys are immediately dismissed ; the clever and intelligent are retained, and receive the instruction necessary to a priest. Of these, however, but few feel a call to the spiritual office ; the greater number, either through inability to support the expense of a complete education, or through a desire for earthly enjoyments, take to secular avocations. Those boys who have been educated only by the priest of the village, and have never advanced so far in their studies as to be transferred to the seminaries in Quebec or Montreal, continue, like their fathers, to be farmers or little shop-keepers ; while those who have had their education continued at the seminary, and have yet a dislike to the holy vocation, usually become lawyers, physicians, or merchants. From the occupation, moreover, of by far the greater number, viz. agriculture, as well as from their living generally apart from each other, few opportunities are afforded them of assembling together ; so that there can be little hope that this defect in education may be remedied by that constant collision of opinions which invariably takes place when men are congregated into great bodies. The Lower Canadians are consequently strikingly inferior to their neighbours the Americans, both in intelligence and enterprise : they are indeed polite, shrewd, and laborious, but are utterly destitute of that enterprising spirit requisite to try new plans, and hazard new speculations ; they trudge where their fathers have trudged before them, and are content to live, one generation after another, without improvement, or an attempt at improvement : And thus, while the United States presents daily an ever-changing and improving scene ; while bustle, activity, increasing wealth, prosperity, and intelligence, are every where apparent, Lower Canada now, is very much like Lower Canada fifty years since ; the same customs continue, the same implements are used, the same prejudices subsist, and wealth, intelligence, and improvement of every description, are but slowly advancing.\*

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\* Lest it should be thought that we exaggerate the backwardness of education in this province, we give the following extract from the Report (3) at the head of our article. The superior of the Seminary of Quebec in answer to the question,

“ Quel est l'état actuel de l'éducation dans cette province ? ”

Makes the following reply : “ Si l'on entend par Education la connoissance même élémentaire des lettres, il faut convenir qu'elle se réduit à très peu de chose, particulièrement dans nos campagnes. Il y a malheureusement plusieurs paroisses où l'on trouveroit à peine cinq ou six personnes capable d'exprimer passablement leurs pensées par écrit, et de faire les règles les plus communes de l'arithmétique. D'après les connoissances que nous avons, nous serions portés à croire que dans nos campagnes par un terme



Upon these men, thus backward in civilization, the British government thought fit to bestow the privilege of choosing representatives to participate in the government of their country. We have therefore a fair test of the capability of this people to govern themselves, in the conduct of the representatives whom they have hitherto selected.

By the act of the Imperial Parliament, which bestowed their present constitution upon the people of Canada, every man possessed of land yielding a revenue of 40s. per annum, and in the towns every man paying 10*l.* rent per annum, is entitled to a vote. This in that country, includes nearly every individual.

As lands in Upper Canada are held in free and common soccage, no improper influence can there be exercised over the electors. No one is sufficiently wealthy to be able to bribe them; and the electors being proprietors, no landlords as yet can domineer over them. In Lower Canada, however, the greater part of the land is held *en seigneurie*; that is, the king (the king of France) granted certain large tracts of land to particular individuals, each tract being called a *seigneurie*, the holder a *seigneur*. The seigneur was endowed with power to grant out land in smaller portions to tenants *en fief*, who became proprietors of the soil, rendering to the seigneur certain services in return for such proprietorship; these under-tenants are by law obliged to pay him a certain rent; to grind their corn at his mill; to pay him a certain fine upon every transfer of lands by sale; and the seigneur is moreover entitled at every sale of lands held under him, to claim 40 days after notice of sale being given to him, the land sold, upon paying to the purchaser the sum he has agreed to advance. These different privileges throw considerable power into the hands of the seigneur, and diminish in some degree the perfect independence of the electors. The rent however, as by law established, is a trifle; the tenant is therefore generally able with ease to keep himself free from all debts to his seigneur: and although the other rights we have mentioned are sufficiently vexatious, it is difficult for the seigneur to diminish or increase their vexatiousness. The people are consequently, for the most part, able to elect the men whom they really prefer, to be their representatives in parliament; and as the parliaments sit for four years only, the member must govern his conduct almost entirely according to the wishes of his constituents. The responsibility of the representatives

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moyen, le quart environ de la population Canadienne savent lire passablement." [*Rapport*, &c. p. 32.] Reading and writing, though not education, are absolutely necessary to it. It would be difficult to find an American peasant unable to read, or even unable to write.



being thus almost complete, we may assume that their conduct has hitherto been in accordance with the desires of their electors : and this conduct may be taken as complete evidence of the competency or incompetency of the colonists to the task of managing their own affairs. However unenlightened they may otherwise be (and that they are unenlightened we have fully admitted), yet if they hitherto have had sufficient penetration to discover, and sufficient wisdom to choose, able and, honest representatives, they have done all that the most enlightened nation could have done to insure a wise and upright government.\* If the conduct of the representative body have proved eminently conducive to the welfare of the colonies, if it alone have contributed to preserve them from all the miseries of misrule ; while, on the other hand, the English portion of the government has alone created and supported every abuse which has at any time served to afflict these colonies, unfitness for the business of government is chargeable only on this latter portion, while perfect competency to that duty is demonstrated to be possessed by the colonists themselves.

Having given this succinct description of the colonial government, we shall endeavour now to detail the consequences of such an imperfect institution to those who dwell under its dominion, and shall commence this list of grievances by an account of the administration of the public money.

We have already stated, that when the present constitution was bestowed upon Canada, the people of the colony undertook to provide the money requisite for the civil government ; the House of Assembly, like our House of Commons, having the

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\* “ Although this province,” says the very intelligent author of the publication (2) at the head of this article, “ has been sixty-five years under the British government, during the greater part of which time that government has been in possession of nearly absolute power in the colony, nothing, or perhaps worse than nothing, has been done till very lately to promote, or even facilitate, the general education of the people, who, during upwards of thirty years have nevertheless been *legally* called upon to meet the king, and give him their advice and consent regarding the public concerns of the province. Much however has been done, and much is doing by the people themselves to promote education. Their natural good sense, and their honest intentions have done a great deal in selecting the fittest representatives whom they could procure. There is hardly an instance of their sending to the Assembly from the country parts, otherwise than substantial and independent proprietors, men of fair private character ; the assemblies, upon the whole, uniting as much independence, discernment, and education, as are generally to be found in the representative assemblies of new countries. If any doubt were entertained on this head, the general consistency of their conduct would prove it unfounded.—*Sketch of Business before the Parliament of Lower Canada*, p. 5.



exclusive privilege of originating votes of supply. As faithful stewards of the public, the House was bound to reduce the expenses of the government to their lowest possible amount, and undeviatingly to pursue whatever means were requisite to this end. The means pursued by the House of Assembly in Lower Canada to obtain this end were as follows—1st. They required of the Executive government an exact account of each separate item of the public expenditure : 2nd. They determined to vote an annual supply for such of these separate items as they deemed necessary ; and, 3rd. They have constantly demanded of the Executive an exact and detailed account of the state of the public chest, comprehending a statement both of the receipt and of the outlay of the public money. These demands of the House of Assembly, the Executive, that is, the English portion of the government, have hitherto most strenuously opposed, and characterized as actions deserving on the part of all well-disposed persons of the most unsparing reprobation. The similarity of the conduct pursued by this petty government, to that of their mighty brethren in Europe, presents a ludicrous though instructive illustration of the spirit of an irresponsible government. The accusations framed by these insignificant officers, and the epithets they have bestowed upon the defenders of the people, are precisely those which are daily used by our worthy rulers against those who advocate the cause of the many : The same accusations of faction and turbulence, the same dread of every thing republican and levelling, and the same horror of responsibility to the people. The aptness of the imitation will provoke the mirth of the gravest of our readers.

In 1819, the duke of Richmond, the then governor of Canada, sent to the House of Assembly a detailed account of the expenses of the government for the ensuing year, and required the House to grant a supply sufficient to cover these expenses. The House, however, reduced part of the items, and voted a supply for each separate item of the expenses for the time the governor required. This supply was rejected by the Legislative Council, under the following resolution : “ That the mode of granting the supply was unconstitutional, and that if the bill were to become a law it would render the servants of the crown dependent on an elective body, instead of being dependent on the crown, and might eventually be made instrumental to the overthrow of that authority, which, by their allegiance, they are bound to support.” We have already shown that being dependent on the crown, is in reality being dependent on nobody ; being dependent on the House of Assembly, it is evident would produce this effect alone, that the supplies granted would



be appropriated solely to those purposes for which the people provided them. In 1821, however, lord Dalhousie no longer required the annual supply which former governors had demanded, but asked for a permanent provision. "This," says the provincial publication (1) at the head of our article, "was promptly refused by the House of Assembly; it was, however, understood that an annual supply, not detailed by items as in 1819, but by chapters,\* would be agreeable to his lordship; the majority of the Assembly consented to a bill of this description, with some increase on the vote of 1819; it however, met with the fate of the former bill in the Legislative Council." In a short time after, the Legislative Council passed the following resolution:† "The Legislative Council will not proceed upon any bill of appropriation for the civil list, which shall contain specifications therein by chapters or items, nor unless the same shall be granted for the life of his majesty:" and in another resolution, 1819, they state, that "they oppose the annual vote, because they are determined to support the supremacy of the parent state, and the constitutional principles and practice of the mother country;" and again, in 1822, they resolved to "prevent an assumption of unconstitutional and illegal powers in the Assembly; and to preserve the officers of the crown from being rendered dependent upon an elective body, by which eventually their allegiance might be endangered; and to prevent the introduction of republican principles and practice, and that pernicious annual dependence upon the favouritism or prejudice of a popular body, which gradually undermines the correct discharge of duty by the public officer, and tends to discourage men of upright and independent mind and character from accepting offices, when the tenure and remuneration would be so precarious." "And," says the publication we have before quoted, "acting on the foregoing pretensions, the annual supplies offered by the Assembly for five years have been refused." In the last session the House of Assembly again refused to pass any permanent vote of supply, and the governor, in a fit of anger, prorogued the parliament. The officers of the government consequently remain unpaid, and public business is at a stand.

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\* Chapters: a word used by the Canadian parliament to express distinct classes of expenses: *e. g.* the administration of justice constitutes one class, or chapter, of the expenses of government.

† We quote these provincial publications as well to show the state of feeling in the colony, as by way of confirmation to our own assertions. Our knowledge of the affairs of the colony, however, is by no means derived from these publications; experience, and not hearsay, is our guide.



Some of the reasons inducing the Legislative Council to pursue this conduct must be obvious without specification; there are some, however, which, as they arise from local circumstances, can be known only to those acquainted with the colony.

The Legislative and Executive Councils, as before stated, are in reality the same persons with different names. The Executive Council, in conjunction with the Governor, has the disposal of the public monies. It is for their interest that the money be so granted, that they have unlimited control over it, creating what offices, and appointing what salaries, they please. If for the expenses of the government the Assembly should provide one large sum, leaving entirely to the Executive the distribution of this sum into the separate portions thought necessary, they (the Executive Council) have in reality obtained this unlimited power of disposal; they and their friends would be enabled to possess themselves of all the lucrative offices in the government, while the country would have no security for the due performance of the duties annexed to them. If, on the other hand, the Assembly vote the separate items of supply, apportioning the salaries, and refusing to provide for such officers as they think useless, the Assembly evidently deprives the Executive Council of this desired branch of dominion. Under which state of circumstances, the public money will be most frugally as well as most beneficially expended, we need not observe. If, moreover, the supply should be voted for any long period, both the Executive Council and House of Assembly well know that the officers of the government would riot in uncontrollable license. The governor, it is true, is liable to actions in England for malversations in office in a colony, but every one knows that his evil deeds must swell to an enormous amount before any benefit can be expected from a prosecution in England; the only efficient check upon his actions is, dependence on the colonists for his yearly revenue. But although there may be a shadow of redress as regards the governor, in the case of the executive councillors, his advisers, and the real rulers of the country, even this shadow of relief disappears. They cannot be punished for the governor's acts, although it is well known that he always acts according to their bidding; they thus govern with a power perfectly irresponsible. What expectation of control over their actions, then, can by possibility exist, if they be not placed yearly in danger of losing their emoluments?

The revenues of the Lower Province are partly permanent, partly temporary. The permanent revenues are derived—1st.



From the seignorial dues ; that is a species of rent, and certain fees paid to the king by seigneurs holding lands under him : 2nd. From the estates of the Jesuits, which at the extinction of that body devolved to the crown : 3rd. From permanent acts of the imperial legislature : and 4th. From permanent acts of the provincial legislature, both taxing the people of the colony. This permanent supply, however, is not sufficient to defray the expenses of government. The House of Assembly have hitherto made up the deficiency by temporary acts, and have by this means maintained some control over the government. These temporary acts have for this reason proved extremely unacceptable to the Executive, who have been consequently constantly endeavouring to wring from the Assembly a permanent appropriation. The House of Assembly, however, have experienced enough of the conduct of the Executive respecting that portion of the revenue which is already permanent. One of the great difficulties of the House of Assembly has been, to obtain accounts of the disposal of the permanent revenue. So long as the Executive is compelled constantly to demand money from the people, questions must continually obtrude concerning this revenue, the people being naturally reluctant to vote supplies until they are assured that the exigencies of the state require them ; of this they cannot be assured till they are acquainted with the disposal of all the monies actually levied from the country. To preserve their control over this fixed revenue, free from the unhallowed gaze of a popular assembly has been the object of the most strenuous exertions on the part of the Executive Council ; and they have not failed to deprecate all cognizance of the House of Assembly on this point, as being an insult to the crown, and a breach of the constitution. The following details may perhaps suggest some other reasons for shutting out the light.

The Jesuits, previous to our conquest of Canada, were possessed of immense and flourishing estates in that country ; the revenues derived from these estates were, for the most part, expended in the education of the people ; and their college at Quebec (which in its dimensions would bear a comparison with almost any edifice in England, dedicated to the purposes of instruction) is a striking proof of their industry and usefulness. Their estates, when the body of Jesuits became extinct, devolved to the crown ; *their extensive college was converted into a barrack*, and their revenues, before spent in instructing the inhabitants of the country, were transferred to the pockets of the Executive. Certain commissioners were appointed to administer these estates, and the disposal of the revenues



arising from them has from that time to the present been shrouded in the most profound obscurity. Some years since, indeed, when the House of Assembly deemed it advisable to investigate the manner in which the money had been expended, they met with a flat refusal on the part of the commissioners to answer any of their inquiries. The commissioners were servants of the crown, and it appeared would answer no questions that did not proceed from officers of the crown, lest they should derogate from the dignity of his majesty. Of these commissioners, some were executive councillors, others persons appointed by them.

Another person intrusted with public money is the Receiver-general of the province, an officer appointed by the Treasury in this country, and a member of the Legislative Council. This officer, like his brethren, had a dislike to investigation; he also was a servant of the crown; and every art of his friends was employed to stave off inspection into his accounts. He was accountable to his majesty alone; and nothing could be more unconstitutional and republican than to doubt the solvency and honour of a person on whom the crown bestowed its confidence. Demand after demand was made by the House of Assembly for an account of the money in the public chest: They stated that as they were called upon to provide for the contingencies of the government, their duty towards their constituents imperiously required them to ascertain before they imposed new taxes on the people, that the money already levied had been all expended in the service of the government. To that end they required a detailed account from the Receiver-general of the monies, collected, paid, and at present possessed by him. This reasonable demand was for years eluded or refused; till at length the House refusing to impose new duties on the subject, the Executive could no longer shield the Receiver-general, but were compelled, by pressing exigences, to draw upon him to defray their current expenses. The event proved the wisdom of the House of Assembly.

‘In 1824’ (we quote from the publication (1) at the head of our article) ‘the defalcation in the Receiver-general’s chest, amounting to four hundred thousand dollars, was officially communicated by message from the government to the Assembly; *and one of the Receiver-general’s accounts was, for the first time since the establishment of the present constitution, laid before the House.*’ It appeared, on investigation, that the former receiver-general had long owed a large balance, which was stated to be about one hundred and sixty thousand dollars, when he was succeeded by his son in 1809, and that accounts, stating that this large balance, *frequently rapidly increasing*, although occasionally less than



the balance stated by the colonial administration to be in the receiver-general's hands at the disposal of the legislature, had been by the receiver-general regularly laid before the colonial government, and after being reported on by the Executive Council, transmitted to the Treasury in England.'—*Financial Difficulties of Lower Canada*, p. 18.

That is to say these executive councillors, knowing that one of their body was daily spending the money of the people, not only permitted him to remain in office, but shielded him from all inquiry.\*

If these men had not been backed by the authority of this country, they could not possibly have practised these malversations for the space of a day. Had the government been entirely in the hands of the colonists themselves, the rulers, whoever they might have been, would have been completely under the control of the people, and would, therefore, not have attempted thus to pillage the public funds, or would, if they had been so fool-hardy as to attempt it, immediately have been cashiered, and punished for their misconduct. But now, under the protection of the English name, owing no obedience but to the authorities in England, supported by English arms, and paid often with English money, they have hitherto braved the representatives of the people, have refused to submit themselves to their scrutiny; and are now endeavouring to foment a quarrel between England and the colony, in the hope that England, tired by the constant disputes between the Executive and the people, will at length resume the power she had before granted, and take upon herself the expenses of the government, as well as the authority of levying taxes on the people. Then, indeed, the servants of the crown will enjoy that happy licence and impunity they so long have desired; then will the colonists partake of the unalloyed blessings of English dominion.

The second consequence of the connexion with England to which we shall allude, is opposition to the progress of education in the province. Of the disposal of the Jesuits' property, originally dedicated to the purposes of instruction, we have spoken already. The sequestration of that property, however, is not all which the English government has done to retard the education of the people. In the year 1801 a bill was passed by both Houses to erect a corporation for the purpose of appointing school-masters, and establishing schools. This plan was pro-

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\* In this case of the Receiver-general's defalcation, England has refused to indemnify the colony: although the people of the colony were constantly informed that he was the king's officer, and consequently not subject to their control. If England alone had control over him, England surely should answer for his actions.



posed by some members of the colonial government, and was passed by the House of Assembly, not without opposition, however, on the part of the more sagacious members of that body. At that time the people's eyes were not opened to the mal-administration of the government, and a majority was regularly accustomed to vote with the Executive. The corporation, however, created in 1801, was not completely organized till 1820. The following is an extract from the "Sketch of Business before the Parliament of Lower Canada":—

'A number of schoolmasters, with salaries of about £60 each, had, however, existed under the act (meaning the act of 1801), some with a few scholars, some without any. In 1817 Sir John Coape Sherbroke had offered to the late Roman Catholic bishop to make him a member of the corporation; which he refused, it is understood, under a knowledge of some instructions to the governors relating to religion and schools, and on the persuasion that the corporation was to be so composed as to give it the influence of his name without his having any power to influence its proceedings. When the list appeared, it contained no Protestants excepting of the church of England, and only three or four Catholics out of twenty-four members. All the effective officers of the corporation were clergymen of the church of England. The chief direction of the education of youth in the province under the act of 1801, was thus given to one religious denomination, forming about the one-hundredth part of the population. No endowments of the schools now under this corporation, as was promised in the act, has ever taken place; the number of children educated at their schools must be trifling, and ever will remain trifling, comparatively with the number of children requiring to be educated, notwithstanding the liberality of the regulations established for them; yet it appears that these schools have already cost the province about thirty thousand pounds of the monies raised on the inhabitants generally.'—*Sketch*, &c. p. 12.

'An inquiry and report were made in 1825 by the House of Assembly, on the effects of the act of 1801, by which it appears that the numbers of scholars in the schools of the corporation was about eleven hundred; and at the same time an address to the crown was voted to place the Jesuits' estates at the disposal of the legislature, to be applied for the purposes of education generally.'—*Sketch*, &c. p. 12.

Eleven hundred scholars, then, is the extent of this corporation's endeavours in a country containing a million of inhabitants. To trust power in the hands of persons irresponsible for its use, is invariably followed by the same consequences: when it is worth using, it is employed for purposes of private emolument; when its employment confers no benefit upon those intrusted with it, idleness and neglect are the result. To fill up the places of the schoolmasters was patronage; they were consequently filled up; to see that the schoolmasters did their duty, gave nothing but trouble; that task was consequently neglected. For



the most part also these places have been conferred upon persons ignorant of the French language, and utter strangers to the people; usually upon boorish and ignorant emigrants just imported from the mother country, whose stupid prejudices unfitted them for the task of educating any body; and, above all, for performing the delicate part of instructing a people differing from themselves in religion, in language, and in manners.

In answer to certain questions of the House of Assembly respecting the state of education in the country, the Seminary of Quebec gives the following reply:—

‘ Il ne sera peut-être pas tout-à-fait hors de propos d’observer que la loi de la 41<sup>e</sup> Geo. 3, n’a nullement contribué à améliorer l’état de l’éducation en ce pays. Cette loi, à la vérité, pourvoit à la nomination, et au salaire de maîtres d’écoles; mais ceux qui, par leur position, seroient en état de juger du mérite des personnes qui sollicitent de telles places, n’ayant aucune part à cette nomination, ni aucun droit de les surveiller, on laisse à juger comment peuvent être tenues ces écoles, surtout si les maîtres qui y sont préposés sont des personnes qui le mauvais état de leurs affaires force à prendre cette situation, et qui ne la regardent que comme un pis aller et un dernier moyen de procurer un peu de pain à leur famille.’—*Rapport, &c.* p. 32.

And in enumerating the circumstances which retard the progress of education in the province, the same gentleman mentions the want of good elementary schools in the country (dans nos campagnes), and adds,

‘ La plûpart des maîtres d’école que l’on y trouve, particulièrement ceux qui sont établis en vertu de la 41 de Geo. 3, ne sont point propres à attirer la confiance des habitans du pays; parceque, messires les curés n’ont aucun droit de surveiller leur conduite, et qu’ils sont nommés sans la participation des principaux habitans de l’endroit.’—*Rapport, &c.* p. 33.

The House of Assembly seeing the ill success of these endeavours, introduced a bill in 1817 for establishing schools throughout the colony on the plan of those in Scotland and New England. The bill was annually passed by the House of Assembly, and up to 1823 was annually rejected by the Legislative Council.

‘ One of the chief features of the bill was, to place all religious denominations upon an equality, with admission in each school to all children of the division for which it was established. Each religious denomination, however, having the management of its own schools, and allowing for each school *established* with a master, and a certain number of scholars in a given time, as an aid to cover the first expenses, eight hundred dollars.’—*Sketch, &c.* p. 11.

This clause, which bestowed the management on the people, took it and its consequent patronage out of the hands of the



Executive. No further reason need be sought for its rejection by the Legislative Council. On account of the continued solicitations of the House of Assembly, however, they at length thought fit to allow the bill to pass, with several modifications for the worse. Its effects were entirely confined to the Catholics; thus drawing a decided line of distinction between the different sects. No public money was allowed the schools; evidently because the Executive was not to have the disposal of it. The schools of the corporation have money appropriated to them, because they are the progeny of the Executive. These schools, however, are nearly useless from the circumstances we have already stated. The public money is expended where it can further no good end, and denied, where it would be beneficial.

Next to this retardment of education, we may mention in the list of disastrous consequences, the mal-administration of justice in the province; mal-administration arising as well from the confused state of the laws as from the complete irresponsibility of the judges: both evils originating from the English dominion.

We have already stated, that at the time of the conquest of Canada, that country was governed by the customs of Paris, subject to such alterations and amendments as should at any time seem fit to the governing power. When England took possession of the colony these laws were abolished, and the English laws enforced by a royal proclamation of the year 1763, and by two ordinances of the governor and council, one in October, 1764, the other in November of the same year. These provided, that there should be erected one superior court of judicature, called the King's Bench, in which the chief justice of the province was to preside, "with power and authority to hear and determine all criminal and civil causes agreeably to the laws of England and to the ordinances of the Province." And also, that "there should be erected a court of Common Pleas, which should determine matters according to equity,\* having regard, nevertheless, to the laws of England, as far as circumstances would permit, until such time as proper ordinances for the information of the people could be established by the Governor and Council, agreeable to the laws of England." Justices of the Peace were, by the same ordinance, empowered to decide causes in the country, in which the value in dispute did not exceed five pounds.

The ordinance of November provides, however, that the tenures of land with respect to grants made before the cession

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\* Not chancery equity, but such equity as is otherwise termed *justice*.



of the province, and the rights of inheritance to such lands, shall be governed by the custom of the country.

The royal proclamation declared, that in all cases where rights or claims were founded on events prior to the conquest of Canada, the "several courts shall be governed in their proceedings by the French usages and customs which have heretofore prevailed in respect to such property;" meaning, doubtless, thereby, that all proceedings arising out of events *posterior* to the conquest should be governed by the English law, according to the general rule. The attorney and solicitor general, however, declared, in April 1766, that they understood the proclamation to introduce into the province "only select parts of the laws of England, that were particularly beneficial to his majesty's English subjects, and not the whole body of laws: and that they considered the criminal laws of England to be almost the only laws that came under that description." The confusion created by these opinions, and the piece-meal legislation we have described, can easily be imagined. We have not space to detail the inconveniences; it requires little penetration, however, to discover, that half a dozen different rules existing at the same time, upon the different points coming under the cognizance of the law, are sufficient to destroy the security of any community. The evils resulting from this unhappy confusion and uncertainty were described and commented on by the late baron Mazeres, in 1769, then attorney-general for the province of Quebec. And although the remedies he proposed have not been adopted, yet legislative enactments have taken place for the purpose of obviating the difficulties he described. By the 14 Geo. III., c 83, all proclamations and ordinances, antecedent to that act, were revoked; and, among others, the following provisions were enacted:

By the 8th section, the laws of Canada, that is the customs of Paris, and certain ordinances of the French governors, antecedent to the conquest, were re-established.

By the 9th section, the tenure of free and common soccage was introduced.

By the 10th section, any one having power to alienate lands, goods, or credits, by deed of sale, gift, or otherwise, is enabled to devise or bequeath the same at his or her death, by his or her last will and testament, notwithstanding any law, usage, or custom, heretofore or now prevailing in the province. Such will being executed according to the laws of Canada, or according to the forms prescribed by the laws of England.

By the 11th section, the criminal law of England is introduced. And lastly, by the 7th article of an ordinance of the 17th of



the late king, the English rules of evidence are established in commercial cases.

These enactments were far from removing the evils complained of. Continual reference to the English law is rendered absolutely necessary; and that reference must inevitably bring with it a long list of consequences and difficulties, sufficient to perplex the clearest body of laws that the wit of man could frame. The circumstances incident to the tenure of free and common soccage must, for example, be in part determined by the rules of English law. To what extent the English law must supersede the laws of France, in the determination of questions concerning soccage lands, the judge decides according to his fancy. The same uncertainty is created by introducing English forms in wills; questions arise every moment concerning what portion of the English forms are to be adopted. What consequences result from adopting them? Whether, for instance, having decided to adopt the English forms, the *will* so drawn must produce the effects it would produce in England, or whether its consequences are to be regulated by the law of France? Still further to increase this confusion, the English rules of evidence are introduced in commercial cases. What are commercial cases? Here is room for uncertainty. What is included under the terms rules of evidence? Here is yet further room for uncertainty. And as if all this were not sufficient, the criminal law of England is introduced without any modification whatever. Nothing more plainly marks the ignorance of our English legislators on every point connected with jurisprudence than this extraordinary attempt to dove-tail together two unconnected codes of law. They appear not to have known that it is the essence of a criminal code to award certain punishments to those who disturb the enjoyment of those *rights*, and who do not fulfil those *obligations*, which the civil code has established; and that consequently the one code is entirely dependent upon, and intimately connected with, the other. The civil code determines that A has a *right* to a certain field, and imposes an *obligation* on the rest of the community to allow A unmolested enjoyment of this *right*. The criminal code affixes specified punishments to actions disturbing A's enjoyment. Hence it follows, that the criminal code ought to be framed with a perfect knowledge of the rights conferred, and obligations imposed, by the civil code. But who can, for one instant, believe that the code of France conferred rights and imposed obligations the same as those conferred and imposed by the code of England. It is notorious that the laws of the two nations varied materially on many important points; it must, therefore, be evident that



the criminal code of either kingdom is utterly incompetent to maintain the rights and obligations enacted by the civil code of the other. Of this incompatibility, however, our legislators seem either to have been ignorant or regardless, and have, by their ill-judged interference, created inextricable confusion.

‘The inhabitants of the towns are loud against the expenses, delay, and uncertainty, of the law. The mass of the population throughout the country pray devoutly that they may have nothing to do with the courts of justice; but, unfortunately, the general ignorance of what is now the law, and the hopes, which among litigious persons increase in proportion to the uncertainty of the law, place the proprietor in a situation to be easily brought into court; perhaps called to a distance of a hundred miles from home, among strangers, not knowing in whom to confide, under a loss of time, so precious to the bulk even of proprietors in this country, heavy expenses of all kinds running on, his cause put off from term to term, he may be nearly a ruined man in property, and, what is worse perhaps, in morals, before an uncertain decision can be had; and when it does come, even in his favour, he is probably little better off.’—*Sketch*, &c. p. 15.

As regards the evils arising from the irresponsibility of the judges and other officers of justice we need say little, after the explanation we have already given of the power and constitution of the Legislative and Executive Councils. The judges are, with a very few exceptions, members of one or the other of these councils, and thus form an important part of the body possessing the whole executive power of the country. Their interests are the same as the interests of the other members of this corporation; therefore, from the corporation we need expect little check upon their evil proceedings. “Ask my brother if I be a thief,” is a homely, but an exceedingly shrewd suggestion. The same shrewdness characterized the idea of subjecting the Canadian judges to impeachment before their brethren in the Legislative Council. They by this means give a shadow of redress to the injured suitor, while the substance is carefully withheld. And to render them completely independent of the people, their salaries are paid out of provisions permanently established. The House of Assembly consequently can neither diminish nor refuse the supply. The consequence of this power has been, that the judges (as from the state of the law they easily could) have, under the name of rules of practice, modified the laws according to their will; filled the lucrative offices connected with the law with their own families and dependents; and multiplied fees and delays without end, for the purpose of putting money into their pockets.

To remedy these abuses, and to diminish the undue power of the judges in appointing officers, the House of Assembly has



proposed to abolish all fees, and in their place to bestow salaries on the officers of justice. In this, as in so many other cases, they have not yet been able to succeed. How long would this improper power have existed had the colonists governed themselves?

To these serious evils may be added the arrogant and insulting manners of those officers whom the English government appoints to rule over the country. These manners, unfortunately, are the cause of much serious mischief, as well as of jealousy and heart-burnings amongst the people; and have, perhaps, contributed more than all the real mischiefs we have pointed out, to create that excessive hatred to the English people, which is now but too universally entertained by the Canadians.

Whenever a body of men are possessed of irresponsible power, they have so many interests in opposition to the interests of the community, that a sort of morality, peculiar to themselves and favourable to their own pretensions, invariably arises amongst them. Life is insupportable to almost every man when subject to opprobrium from all his fellow-creatures: even the pick-pocket must have some companions to sympathise with his feelings, to participate in his enjoyments, and aid him in setting at nought the disapprobation of society. He finds his companions among the dishonest, and with them ridicules all common notions of morality, and eulogizes all the arts of trickery and swindling. In like manner the members of an irresponsible governing body aid and abet one another; divide themselves from the rest of society, and enforce, by the sanction of their opinions, rules of conduct agreeable to their separate interests. The English portion of the Canadian government is no exception to this general rule. Steadily have they pursued the path which their interest dictated, and which an education in one of the most aristocratic countries in Europe well fitted them to pursue. The persons whom they feared as likely to disturb their enjoyment of the profits of mis-rule were the people and their representatives; the persons from whom they expected sympathy were all who themselves were fed by the proceeds of mis-government, and all who were living in expectancy of being maintained by the same means. They have, therefore, drawn a distinct line between the Canadian population and themselves. The army, as being themselves the cherished offspring of mis-rule, every "pelting, petty officer" of the English government, every sprig of nobility that happens to be transplanted into that distant country, every off-shoot from a noble stem, though but a twentieth cousin, joined to all clergymen of the church of England, are of their party, and form with them a select and exclusive society. These persons, on all occasions, assume the most ludri-



crous airs of importance, gratuitously dub themselves the *boni*, and *optimates* of the land, and treat with the most contemptuous insolence the unoffending inhabitants of the country. The church, which is seldom backward in setting men together by the ears, has lent her assistance to blow up the flame between these two parties. The English clergy, on all occasions, evince an excessive distrust of the Canadian priesthood; they studiously endeavour to degrade that body as belonging to the inferior party, and to exalt themselves as connected with the party in power: they carefully describe themselves as basking in the sunshine of royal favour, while the opposite sect is represented to be merely tolerated as an unavoidable evil. Every person connected with the government is actuated by the same spirit, and manifests the same behaviour. The most marked distinction is made at the government-house between persons holding official situations, however unimportant, and the inhabitants of the country, however respectable. The latter are treated with the most insufferable arrogance, or the most studied neglect, every place of public resort is rendered irksome to them, and all private intercourse is carefully avoided. This treatment has made a profound impression on the people; an impression which we fear ages will not eradicate. Notwithstanding the outward demonstrations of good-will manifested by the Canadians towards the English people, they bitterly hate every thing connected with the English name; distrust and oppose every thing supported by English interest. They are themselves neglected and abused, their priesthood slighted, their manners, laws, and customs, the subjects of daily scorn and contempt; we need not wonder that they look upon us with feelings very remote from those of attachment. The people are evidently tired of English dominion; they secretly pray for release from our thralldom, and wistfully turn their eyes towards America, where they behold a nation under the dominion of a just and frugal government appointed by themselves, rapidly improving in arts, in literature, and in wealth, extending their commerce to every part of the inhabited world, and rivalling in the extent and wisdom of their undertakings the most civilized and wealthy communities of Europe. The comparison with this people cannot fail to suggest itself, and its unfavourableness to the English administration is apparent to the most careless beholder. It is vainly believed that the people of Lower Canada are peculiarly hostile to the inhabitants of the United States. The English government has indeed endeavoured to foment the dislike which once existed in the minds of the French colonists, towards the colonists of England. But since the United States



became independent this hostility has gradually decayed ; and though its dying embers were rekindled during the last American war, they are now extinguished for ever. *Nous serons tout-à-l'heure Yankees* is the universal declaration of the Canadian people.

We would here recall to the recollection of our readers the conclusion to be established by the statements we have adduced. It is continually, and peremptorily asserted, that the superintending power of England has been, and still is, to her colonies, the source of happiness and prosperity far beyond that which the colonies, without her assistance, could possibly attain. This proposition is daily repeated in a thousand different forms. In parliament it is on all occasions assumed ; and any one who in that assembly should be so presumptuous as to question it would be visited with unmeasured scorn and indignation. If we were to ask in what shape the blessings, whose existence is assumed, are usually conferred upon the colony, we should have our trouble for our reward ; all persons in, and most persons out of, parliament, being as ignorant of the state of our colonial government as of the administration of the Khan of Tartary. To inform this ignorance, and to dissipate existing illusion, we have endeavoured to lay before our readers a correct statement of the present situation of the colonial government, and of the consequences resulting from that government to the people of the colony. Among these consequences are, 1. Improvident expenditure of the public money. 2. Check to the progress of education. 3. Mal-administration of justice. 4. Exciting disgusts and quarrels among the people, and thereby retarding all improvement. These evils we think we have plainly traced to the existing connexion with this country ; and we have now to ask what benefits exist in consequence of that connexion, to counter-balance this host of injuries ?

Of the competency of the people to govern themselves, we have offered irrefragable evidence, in describing the conduct of the House of Assembly. By comparing that conduct with the proceedings of the Legislative and Executive Councils, we have shown that England, by her interference, adds not either to the honesty or intelligence of the government ; neither does England materially assist the colony by money,\* for the people themselves provide for the expenses of their civil government. If, then, England, neither by wealth, nor by superior

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\* England is indeed about to lend Canada a large sum of money, for the purpose of completing a canal : but had there been no defalcation in the Receiver-general's chest, this loan would not have been required. England has, in fact, through her officers, deprived the colony of the money, and then, with apparent kindness, lends her the sum embezzled.



intelligence, nor by superior honesty, contributes to the happiness of the people, in what does her assistance consist? Our commerce would continue if the colony were an independent state; the evils of dependence, therefore, are not redeemed by the advantages arising from commercial intercourse. America flourishes without our assistance as a mother country; Canada is equally independent of our support.

It appears, however, that we maintain at our own expense a large military force, for the purpose of defending the colony. Defending the colony means keeping it under our dominion; and keeping it under our dominion, as we have already seen, means subjecting it to misrule. It is scarcely, therefore, to be enumerated among the *benefits* conferred on the province.

To defend Canada against America may or may not be advantageous to England; of this we shall speak hereafter: to Canada we can by no means allow it to be beneficial. Supposing that Canada would, if deserted by England, become one of the United States; like the other states she would be governed by her own laws, and by her own legislature; would send, like them, deputies to the general congress, and enjoy all the benefits now enjoyed by the other members of that fortunate union. No nations on the face of the globe are so well governed, or so prosperous, as the United States. Nor would the Canadians be greatly injured by becoming one of their confederacy.

But if Canada derives no benefit from the connexion between the two countries, does England derive any?

The trade of Canada consists chiefly in exports of *wood* and *ashes*. The other articles of her commerce are so trifling as not to be worthy of consideration. The benefits of our Canadian monopoly, as far as regards our imports, are to be derived from our commerce in these two articles.

On the subject of the Canadian timber trade we must refer our readers to an article in one of our former Numbers, in which that branch of our commerce was fully discussed. In that article we endeavoured to make it appear that England loses above a million per annum by the preference which she unhappily gives to Canadian timber. We need not here repeat the arguments by which we came to that conclusion, but shall assume the conclusion to be correct. Benefit, therefore, if there be any from our imports, is solely derived from our trade in *ashes*. Our monopoly of Canadian ashes has this effect: viz., to make us pay dearly for an inferior article. It is well known to every merchant conversant with the trade in ashes, that the ashes of the United States are not only in their quality superior to those of Canada, but considerably lower in their price. To protect



the Canadian trade, a duty of 6s. per cwt has been imposed on the United States ashes, while those of Canada are allowed to be imported duty free. The scale of average prices for 1826 was as follows :

UNITED STATES.— <i>Duty paid.</i>	CANADA.— <i>Duty free.</i>
Pot Ashes per cwt. 28s.	25s. 6d.
Pearl Ashes per cwt. 29s.	26s. 6d.

If we subtract the duty from the price of the United States ashes, their average prices will be, Pot Ashes, 22s.; Pearl Ashes, 23s.; so that we absolutely lost 3s. on every cwt of ashes imported from Canada during 1826. The amount of ashes imported from Canada that year was 210,580 cwts; the loss upon which was accordingly £.31,587. This sum, added to the loss of one million per annum by the timber trade, will show the exact result to this country from the import trade with Canada.

A few words only are necessary concerning our exports to that country. It can easily be shown that our exports would not decrease in consequence of a free trade, while our returns would be greater. We might not, perhaps, export so largely to Canada as at present; as the United States, most probably, would then supply us with the greater part of the ashes we required. It is evident, however, that this extra importation from that country must be met on our side with a corresponding increase of exports. True it is, that fewer exports will suffice to procure in return the same amount of ashes in a cheaper market; this, indeed, is the precise benefit which we expect to derive from a free trade in ashes. To those politicians, however, who fancy that the welfare of this country depends upon the abundance of her exports, we would suggest, that Canada would still require our manufactures, and would obtain them either by reducing the prices of her ashes, or by producing other commodities.

There is a set of politicians, however, who defend the policy of maintaining our dominion over Canada, on grounds totally distinct from those we have just discussed. It is advisable, say these counsellors, to preserve Canada, in order to keep in check the increasing power of the United States. This aspiring republic will else assume dominion over the countries we abandon, and extend her empire from the Bay of Mexico to the Polar Sea. Supposing this prophecy to be correct, and its fulfilment to be an evil, it may yet be possible for a still greater evil to arise. If we continue our present dominion over Canada, the inevitable result will be an inveterate hostility, on the part of the Canadians, to the people of Great Britain. The colony must, at some time, and that, too, at no very distant date, be severed from the



mother country ; and we have only to choose whether we shall voluntarily renounce dominion, and by this wise and beneficial act make the Canadians our friends, or continue our rule a few years longer, make them our enemies, and at length submit to have the country wrung from our grasp by the combined power of Canada and the United States. It is childish to shut our eyes and determine not to see this result. What the United States did, almost unaided, the Canadians can easily accomplish, when assisted by their powerful neighbour. The people are waiting but for a favourable opportunity to rescue themselves from our subjection, and to throw themselves upon the protection of the United States, whose power we are thus vainly endeavouring to circumscribe. If we voluntarily confer independence on Canada, it is possible (perhaps as regards the Lower Province probable) that Canada may not form a part of the great federal union. If we, however, are determined to give up our power only when no longer able to retain it, Canada must inevitably become one of the United States. To the assistance of those republics she will be indebted for her independence : gratitude, sympathy, and interest, will then induce them to coalesce. War with America will be the immediate consequence of a disturbance in the colony. The citizens of that republic will never be persuaded to be idle spectators of a contest so similar in every respect to that by which they secured their own independence ; of a contest, too, carried on at their very doors, and rousing all their feelings of sympathy, compassion, and hatred. Let no one say that the time for this catastrophe is distant. The colony is at this moment in a state of commotion. The House of Assembly has published a manifesto, laying an account of its conduct before the people, and claiming their approbation and support. The House having refused to provide supplies, the government is without money to carry on the current expenses, and is likely still to continue in that destitute condition, as the people are determined to be no longer deceived. Their representatives have marked, in the most unequivocal manner, their dissatisfaction with the present posture of affairs, and are well assured that they speak the opinions of the people. This the Governor (who, it seems, has determined to dissolve the Parliament) will also discover. The same representatives will be again returned, and the same difficulties will arise. This experiment of dissolving the Parliament has once before been tried, and the people elected, with hardly a single exception, their former representatives.

If we allow, however, that in spite of all opposition we shall still be able to maintain our dominion in Canada, and to check



the growing power of the United States, it is yet a question whether this benefit be not too dearly bought: whether the expenses of our military and naval establishments in our North-American provinces do not outweigh this supposed advantage. What those expenses are it is almost impossible to discover; it being the constant endeavour of our government to keep from the public all knowledge of the real evils attendant on maintaining the colonies of this country. We can, however, lay before our readers an account of some portion of our enormous expenditure in Canada; well aware, indeed, that the account is far from complete.

It appears, from papers laid before Parliament in 1826, that in 1824-25, there were disbursed

	£.	s.	d.
on account of the extraordinaries of the army at the different military posts in Canada -	118,214	15	4½
That in consequence of losses sustained in the last war with the United States, by individuals in the two Provinces, this country paid -	68,441	5	9
That there were also paid for Regimental subsistence - - - - -	32,335	3	3
For the Commissariat and Account Departments - - - - -	9,693	19	4
Half-pay - - - - -	10,497	17	7
Do. - - - - -	8,610	11	2
For Ordnance Department - - - - -	26,732	15	7
Retired allowances and Pensions - - - - -	12,544	18	1
Naval Department - - - - -	19,421	14	3
Arrears to Militia - - - - -	1,749	11	4
	308,342	11	8½

Also for Military works paid in the same years the enormous sum of 51,475 0 0

Of these works many are not yet finished; still more expense must therefore be incurred. For the citadel of Quebec it is stated that 78,000*l.* more are required to place it in a state of defence. A sum, we believe, exceeding £.50,000, was this year voted for this purpose.

Of the works erected during the last war, many are in ruins, while the navies on the Lakes, which were built at an incredible expense,\* will in a very few years be utterly useless. If another war is at any time to be carried on, these expenses must

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\* Some faint idea may be formed of the incredible ignorance of our Admiralty Board, from the building of some of those ships. The frames of two frigates were actually sent from England to Canada; carried up the



be again incurred, and our burthens be again renewed. A consideration of these circumstances, with the recollection of the current expenses, of which we have given a specimen, should incline Englishmen to be rather doubtful as to the policy of retaining Canada as a counterpoise in America to the United States.

We have purposely abstained from every thing like harsh language in the discussion of this part of our colonial policy. Knowing that there are many persons who honestly believe our colonial possessions to be of infinite importance, we have calmly reasoned the question without reference to those sinister interests, on account of which we firmly believe that these colonies are maintained. If we can persuade the honest part of the public to agree in our opinions, our task is accomplished : we address ourselves to no others.

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